UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.6
5 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-11889 (E)

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The meeting was called to order at 10 05 a m

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELARUS

1 Mr LATYPOV (Belarus) said that the United Nations played a pivotal role in upholding human rights and his Government thus supported the reform of the United Nations as a whole and of its human rights mechanisms in particular It had noted with satisfaction the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112), and recommended implementation of many of the initiatives it proposed Those initiatives included measures to rationalize and depoliticize further the activities of the Sub-Commission on the Promotion and Protection of Human Rights and measures to ensure balance between thematic procedures in the fields of civil, political, economic, social and cultural rights

2 His Government greatly appreciated the work of the Commission's special rapporteurs, feeling as it did that cooperation with them was a useful way of gaining consultative and technical assistance It hoped that the forthcoming visit of the Special Rapporteur on the independence of judges and lawyers would contribute to its current programme of judicial reform New laws in that field had incorporated the experience and standards of the United Nations and of European regional organizations

3 The international community had a responsibility to ensure that basic human rights and freedoms were respected without discrimination or the exercise of double standards Recent concern about the growth of interference in the internal affairs of developing countries on the pretext of human rights protection or international conflict prevention seemed to be justified Human rights rhetoric must not be used as a tool for the promotion of political and economic interests Unilateral measures adopted by individual States or groups of States against sovereign countries discredited the role of the international community in ensuring respect for human rights

4 Modern international terrorism had become a gross and massive violation of human rights Terrorism was such a complex problem that no country could cope with it unaided All States and international and public organizations must unite to combat that threat His Government believed that the Commission should discuss at its current session the questions of upgrading the status of the Sub-Commission's Special Rapporteur and appointing a special rapporteur on terrorism of the Commission The need to establish a functional commission of the Economic and Social Council on the issue of combating terrorism should also be discussed

5 Attention in his country was currently focused on the forthcoming parliamentary elections A new electoral code had been worked out in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe Elections in new democracies played an important role in strengthening the democratic tradition and raising the legal awareness of the population, factors which had a direct positive effect on respect for human rights All citizens of his country enjoyed equal rights regardless of their ethnicity or religion

There was a high level of social stability in his country, which had a tradition of open political discussion. His Government was ready to cooperate fully with the Commission to strengthen respect for universal human rights and freedoms.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ANGOLA

6. Mr. CHIKOTY (Angola) said that, according to the Secretary-General's report to the Security Council (S/1998/318), more than 14 of the 53 African States had been involved in armed conflict in the past four years. Africa had more than 10 million refugees and international human rights law was being systematically violated in many countries. Such conflicts clearly jeopardized the harmonious development of the continent. Peace was essential if a culture of human rights was to be promoted, and the Commission's special rapporteurs should make every effort to establish the link between human rights and international humanitarian law.

7. Under the Charter of the United Nations, Member States were obliged to fulfil their international commitments in good faith. No purpose was served by States ostensibly promoting human rights and at the same time encouraging violence and action to destabilize other Member States, thereby undermining international legal standards, encouraging impunity and degrading the general status of human rights.

8. Since independence, Angola had been systematically subjected to armed aggression and destabilization from abroad, which had destroyed much of its infrastructure, taken thousands of lives, left many persons mutilated and more than 1 million internally displaced.

9. When the cold war had ended, his Government had begun the task of pacification and reconciliation, culminating in nationwide democratic elections. Although UNITA had taken part in the elections, it had under external pressure rejected the results and, in defiance of Security Council resolution 864 (1993), had taken up arms once again. The Government had spared no effort to renegotiate peace, but another agreement signed in 1994 had also been violated. Since then, the conflict had created some 3 million more internal refugees, who were living on humanitarian emergency aid, and had left 2 million people dead and more than 100,000 maimed.

10. His Government commended the report of the panel of experts (S/2000/203), recently submitted to the Security Council, on the violations of the sanctions against UNITA. It asked the Commission to take note of that report and hoped that its contents and recommendations would be of use to the Commission's special rapporteurs. Indeed, the work of the panel of experts and its cooperation with the Commission might provide a model for increasing the effectiveness of human rights mechanisms.

11. His Government was convinced that it was possible to implement the principles of Article 1 of the Charter only if States acted in good faith in their international relations. Armed conflicts were known to be a major cause of human rights violations and States should use Security Council resolutions as definitive standards for conflict prevention, management and resolution.

12 His Government was developing an extensive programme of cooperation with the United Nations that would enable it to speed up the incorporation of international human rights standards into its domestic legal system. Although the democratic process was well under way and civil society was becoming increasingly active, the war situation meant that there was still a long way to go before Angolans could enjoy all the fundamental rights and liberties.

13 Nevertheless, he was proud to report that, apart from four cases still being examined by the Working Group on Enforced or Involuntary Disappearances which dated back to 1976, Angola had no cases before the Commission's various mechanisms. Angola attached great importance to human rights issues and would soon be submitting its initial reports to the human rights treaty bodies.

14 His Government was continuing its work of consolidating democracy despite persistent internal and external attempts at destabilization. General elections were scheduled for the current year.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

15 Mr. HAIN (United Kingdom) said that, in the twenty-first century, there was no place for the nineteenth-century practices that still accounted for many human rights abuses. His Government fully endorsed, in that connection, the comments made by the representative of Portugal on behalf of the European Union.

16 Contemporary forms of slavery such as forced prostitution, bonded labour, and other forms of abusive labour, persisted in many countries. All the victims were people without power, resources or a political voice, women and children being particularly vulnerable.

17 Domestic violence was possibly the leading cause of injury to women worldwide. His Government had launched an initiative - Living without Fear - to tackle all forms of violence against women, bring abusers to justice and support and protect victims. The United Kingdom's new study of trafficking in women would be shared with its international partners in an effort to coordinate the responses of the countries of origin and of destination.

18 He welcomed the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and hoped that the Commission would help prepare for a successful outcome to the special session of the General Assembly scheduled for June 2000.

19 Over 250 million children, some aged as young as 4, were engaged in work. Child labour that was not subject to strict regulation and that did not take children's developmental needs into account was destructive, both for individual children and for society as a whole. It damaged children's health and deprived them of education, sentencing them to lifelong poverty and

exploitation. It was vital that the new International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour should enter into force as soon as possible. The United Kingdom had just deposited its instrument of ratification and he called on other States to do so as soon as possible.

20. Globalization, if properly harnessed, could generate extra wealth and help promote and protect human rights. But economic, social and cultural rights, as well as civil and political rights, must be protected in a globalized world and, in that regard, the Commission's work was likely to become more vital than ever.

21. Having paid tribute to Mrs. Robinson for her personal commitment and determination in her difficult job, he said that the work of the High Commissioner for Human Rights would in the future be a catalyst for change. To support the work of the United Nations for human rights, the United Kingdom was, in the current year, contributing US$ 3.2 million to the High Commissioner's Office (OHCHR), US$ 208,000 to the United Nations Voluntary Fund for Victims of Torture, US$ 184,000 to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, US$ 173,000 to support the work of the OHCHR office in Bogotá, and US$ 160,000 to the Trust Fund for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. However, the United Nations could not do everything. It was up to national Governments to ensure that all their people, including the poor and disadvantaged, enjoyed the benefits of globalization.

22. The vicious circle of debt, poverty and economic decline must be replaced by a virtuous circle of debt relief, poverty reduction and economic development. A fundamental step was to remove the debt burden. His Government had led the way in persuading the richest States of the urgency of that task. It wanted to see the proportion of the world's population living in absolute poverty reduced by half by 2015 and to that end had cancelled all remaining bilateral debts owed to the United Kingdom by the 41 heavily indebted poor countries (HIPC). The United Kingdom's total debt relief amounted to over US$ 7 billion. It was also providing special assistance to indebted countries recovering from war or natural disasters. Its target being for 24 countries to receive debt relief by the end of 2000.

23. But debt relief had to lead to a reduction in poverty. It should be used to prioritize education in both national and aid budgets in developing countries, because poor nations could not become rich without skills. The United Kingdom would help where it could, and had already increased its bilateral aid budget by 28 per cent in real terms. It aimed to increase its aid to Africa for primary education, health care and sanitation by 50 per cent, and was funding projects to help people in developing countries acquire entrepreneurial skills or the skills needed by local employers.

24. There was some public scepticism, however, about the value of overseas development assistance, and levels of aid had dropped worldwide. Governments in the developed world needed to convince the public that aid made a difference and Governments in the developing world needed to eliminate corruption, inefficiency and backward economic policies. But the poorest countries must not regard human rights as a luxury: by protecting human rights and pursuing good governance, they could win international confidence and thereby attract more *foreign assistance and investment*. In that way, human rights made humans rich.

25. Although oppression and denial of human rights still persisted, as illustrated by recent events in Chechnya and China, more and more countries were making the connection between economic prosperity and the development of democracy and human rights. In a truly open society, non-governmental organizations (NGOs) should be encouraged. It was not only in international relations that dialogue was better than confrontation, but also at the national level. Civil society helped provide checks and balances, as well as the impetus for new government policies. Human rights defenders, in particular, could be the conscience of their nation - all too often they were themselves the victims of human rights violations. He called on the Commission to establish a new mechanism on human rights defenders.

26. There was general agreement on the need for more efficient United Nations human rights machinery. Its effectiveness depended, however, on the full participation of the countries that created it. The United Kingdom had recently welcomed the United Nations Special Rapporteurs on education, religious intolerance, mercenaries and the independence of judges and lawyers, as well as the Working Group on Arbitrary Detention. Their reports had highlighted his Government's shortcomings and measures were being taken on the basis of those lessons. The United Kingdom authorities attached no conditions to their commitment to cooperating with such mechanisms, which had been shown to be capable of enhancing the human rights work of both the United Nations and national Governments. It was difficult to understand why so many requests for visits by special rapporteurs and working groups went unanswered, and he urged Governments to respond to them positively.

27. The United Kingdom was committed to open dialogue on human rights, to listening carefully and responding to justified criticism. It attached great importance to continued membership of the Commission and wished to see the Commission carrying forward its human rights agenda with vigour and dynamism.

STATEMENT BY THE MINISTER-DELEGATE FOR COOPERATION AND FRANCOPHONIE OF FRANCE

28. Mr. JOSSELIN (France), having associated himself with the statement by the representative of Portugal on behalf of the European Union, said that, after a century in which the very concept of humanity had frequently been challenged, he hoped that the fifty-sixth session of the Commission would be a time to reassert a clear collective vision of democracy, peace and humanism. In that connection, he paid tribute to the Commission's patient work of preparing instruments to protect rights and freedoms, and using the law to mount a defence against arbitrary action. That codification work was important but was not in itself sufficient.

29. The new century had begun on a sombre note, with massacres, forced displacements, burnings and bombings, columns of refugees and overcrowded camps, and programmes and ideologies built on hatred, violence, racism and intolerance. The world's vigilance might have wavered, but its will to resist must not. His Government undertook to make every effort to combat racial discrimination. In October 2000, Strasbourg would be hosting the European Conference against Racism, the preparatory conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in South Africa in 2001.

30. He wished to praise the work of NGOs in advancing the cause of human rights. They were the best medium for voicing the concerns of civil society and sounded early warnings that should not be ignored. Human rights defenders, too, had an essential role to play, working as they did on the ground to keep alive the ideal of human dignity and oppose the unacceptable. Without them, resolutions meant nothing. The Commission had a duty, therefore, to establish a mechanism to guarantee the implementation of the Declaration on human rights defenders.

31. The world was undergoing profound changes. Relentless globalization and an unfortunate trend towards economic and behavioural uniformity were bound to produce friction as individuals tried to defend their identities. It was pointless in such circumstances to set the collective against the individual, culture against culture or religion against religion: only by seeking out common features was it possible to attain universal realities. Historical, cultural, political and social differences naturally existed, but that did not mean it was not possible to establish a common set of references such as the major international conventions. For his Government, the ratification and above all the implementation of those conventions should be a prime objective.

32. China's signature of the two International Covenants on Human Rights was thus a positive move. France believed in continued dialogue with China on human rights, although initial contacts had yet to be reflected in action, particularly with regard to the death penalty, the repression of dissidents, and the freedom of association, expression and religion. He called upon the Government of China to ratify the Covenants without delay and to take concrete action to improve its human rights situation.

33. Public opinion in France had been deeply shocked by the reports of alleged human rights violations by both sides in Chechnya. His Government called on Russia to conduct an independent, transparent inquiry into all such allegations, on the basis of regular consultations with the Council of Europe and OSCE. It reiterated its call for an immediate ceasefire and access for humanitarian organizations to Chechnya, and looked forward to the High Commissioner's report on her planned visit there. He wished to make it clear that the reason why his Government did not believe in a military solution in Chechnya was that it hoped for a democratic, peaceful future for Russia. Only an appropriate political framework would lead to a lasting settlement.

34. There had, however, been progress, too, sometimes where it was least expected. Elections had recently taken place in Croatia, Senegal and Iran. The new Indonesian Government, with help from the international community, had restored the political conditions for a peaceful and democratic transition in East Timor, although much remained to be done to guarantee the safe return of the refugees still in West Timor. Moreover, those responsible for human rights violations must be brought to account. His Government understood the wish of the Indonesian authorities to use their judicial process and encouraged them to press on with their efforts to combat impunity. Many African States were firmly committed, despite the problems of economic transition, to setting democracy on a sound footing. In that regard, he welcomed the forthcoming Conference of the New or Restored Democracies, to be held in Cotonou.

35. The previous day, the French Parliament had approved the bill of ratification of the Rome Statute of the International Criminal Court. The Court represented an important step forward in efforts to combat impunity and was a genuine victory for the victims. He called for universal accession to the Rome Statute.

36. As part of its drive to modernize France's legal system in the matter of protecting human rights, his Government had recently enacted legislation on the equal representation of men and women in elections, with a view to promoting women's participation in public life and elected office. It was sometimes necessary to use the law to lift the weight of habit and prejudice. France had also been one of the first signatories of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which introduced, significantly, a mechanism of individual remedy. His delegation would also play an active part in the Beijing Plus Five meeting in June 2000.

37. Given the near-universality of the Convention on the Rights of the Child, he hoped that the two new additional protocols to the Convention, whose drafting had just been completed, would be ratified unconditionally and without reserve by as many States as possible, as instruments for the implementation of specific aspects of that major Convention.

38. The death penalty was a very sensitive issue, given the variety of approaches to the whole question of punishment and pardon. Yet the death penalty could not be just another form of punishment, since by its very nature it ran counter to all efforts to moderate certain social practices. His delegation called for the abolition of - or at least a moratorium on - a punishment that was all the more shocking when applied to minors, the poor or members of minorities who did not always have the material means to ensure an adequate defence.

39. His delegation would be proposing three resolutions at the current session, one of which concerned extreme poverty, a major challenge to the world. Extreme poverty meant a lack of the most basic rights - to subsistence, to health, to education. It was a direct violation of the dignity of the human person and thus of a person's fundamental freedoms and rights. The current process of worldwide economic integration, on the basis of the market economy and free trade, despite its undeniable benefits in terms of growth, was accompanied by increasing social inequality, a potential source of violence and conflict.

40. His Government consequently considered that mechanisms of aid to development which took into account the sometimes perverse social effects of globalization should be adopted. There should also be a fairer approach to the debt problem, particularly for the poorest countries. In general, the most vulnerable sections of the population should be shielded as far as possible from the brutal process of economic transition. He called upon other concerned Governments not only to support initiatives by the international community to that end but also to ensure that their own States were governed by the rule of law, in full respect for human rights and good governance. Along with development and democracy, those were essential elements of a just and peaceful world.

STATEMENT BY THE DEPUTY PRIME MINISTER FOR HUMAN AND MINORITY RIGHTS AND REGIONAL DEVELOPMENT OF SLOVAKIA

41. Mr. CSÁKY (Slovakia) said that the fall of the Berlin Wall, far from heralding the "end of history", had been followed by a number of major problems: hardly manageable internal conflicts of an ethnic, tribal or religious nature, alarming rates of poverty in some developing countries, and humanitarian disasters caused by nature or by man. The new, multipolar world had also to meet the challenges of economic globalization and the revolution in information technology.

42. Nonetheless, considerable progress had been achieved in enhancing human rights mechanisms since the previous session of the Commission. The spirit of compromise that had prevailed in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission had been commendable, it remained to be seen how far the Working Group's recommendations would contribute to a genuine enhancement. His delegation was open to further negotiations on the issue. He also welcomed the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which his country intended to ratify shortly.

43. The tenth anniversary of the entry into force of the Convention on the Rights of the Child was being appropriately marked by the elaboration of the draft optional protocols to the Convention on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography. The Committee on the Rights of the Child had, however, been overwhelmed by its immense workload and an early amendment of its article 43, paragraph 2, to increase the number of members from 10 to 18, would be desirable.

44. A most important development was the increasing acceptance of the concept that violations of human rights could not be justified by the concept of national sovereignty. Slovakia, as an associated country of the European Union, aligned itself with the statement made by the representative of Portugal on behalf of the Union. The people of Slovakia - itself a multi-ethnic and multicultural country - had been following with deep concern the situation in the former Yugoslavia. Like many other countries, it had given assistance after the outbreak of the Kosovo humanitarian crisis. Unfortunately, the situation in Kosovo was far from settled and his Government was ready to play its part in the restoration of civil society there.

45. His Government welcomed the considerable progress made towards lasting peace in the Middle East and the huge efforts made by the countries concerned to close a dark chapter of their history and build a common future that would bring prosperity to all.

46. The adoption in 1998 of the Declaration on human rights defenders had been an important milestone, more, however, must be done to protect the work of human rights activists. His Government had, in that context, recently established an advisory Council for Non-governmental and Not-for-profit Organizations, which he was to chair.

47. The death penalty had been abolished in his country upon the accession of Czechoslovakia to the Council of Europe, that obligation had remained unchanged when Slovakia had become an independent State in 1993. In June 1999, the Slovak Republic had ratified the second Optional Protocol to the International Covenant on Civil and Political Rights.

48. His Government lent its full support to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was regrettable that only 29 of the 155 States parties to the Convention including Slovakia, recognized the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals or groups of individuals. He hoped that the number would rise significantly before the World Conference. His Government was ready to contribute organizational capacity and advice to the preparatory process. In that context, he drew attention to a National Conference against Racism, that was to be held on 18 May in Bratislava.

49. Since assuming office in 1998, his Government had committed itself to creating equal opportunities for all its citizens. One of its most outstanding achievements was the participation in the Government of the country's largest national minority, the Hungarian community, of which he himself was a member. Slovakia also had a substantial Roma minority and there had been some difficulty in dealing with a complex issue that had not only a human rights dimension but also very strong social, economic, cultural and sociological implications.

50. The Roma had no organizational structures and there were prejudices on both sides, as well as occasional manifestations of racial intolerance. Efforts were, however, being made to integrate the Roma community into society and to respect its ethnic traditions and human rights. His Government had appointed a commissioner, himself a Roma, who had his own secretariat and a board of advisers, also members of the Roma group. In September 1999, the Government had adopted its Strategy for the Solution of the Problems of the Roma National Minority. A separate fund had been allocated from the State budget to support Roma-oriented projects in cooperation with the non-governmental sector. The fund had been doubled in the current year. In cooperation with the European Union and other Governments, projects to improve the situation of the Roma had been elaborated. The Government was introducing extensive training and educational programmes in the field of human rights protection for graduates of the Police Academy, prison guards, public servants, Roma leaders and Roma NGO activists.

51. Some people discerned a dichotomy between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. However, just as there was no real antagonism between free competition and social solidarity, there was no real antagonism between the two basic sets of human rights. He urged full acceptance of the whole body of internationally recognized human rights as soon as possible.

STATEMENT BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF FOREIGN AFFAIRS OF SOUTH AFRICA

52. Mr. PITYANA (South Africa) said that, since his country's return to the United Nations in 1994, it had established not only a democratic constitutional State but also institutions to protect that democracy, including the National Human Rights Commission, an independent judiciary, the Office of the Auditor-General and the Office of the Public Protector.

53. His Government had, with a deep sense of history, accepted the High Commissioner's offer that South Africa should host the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001. The timing was good: the world was witnessing much intra-State conflict, which could often be traced to ethnicity, racial discrimination, social prejudice and religious intolerance in Europe, Africa and Asia, as well as anti-Semitism and the marginalization of indigenous peoples and ethnic minorities in the Americas and Australasia.

54. Racism and xenophobia continued to afflict his own country, despite courageous steps taken to promote reconciliation and equality of opportunity and treatment. Initiatives to expose the prevalence of racism - such as the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2000/16) - could be a first step only. His Government hoped to achieve practical outcomes from the World Conference, in cooperation with other governments and NGOs. Its enthusiasm to act as host for the Conference, however, was unfortunately not matched by its financial capabilities and he therefore appealed to all donor countries to make a generous financial contribution to the voluntary fund established by the Office of the High Commissioner.

55. The fundamental right to decent living conditions, food, basic health care and education remained an illusion for the vast majority of humankind, particularly those in Africa and the rest of the developing world. His delegation hoped that the Commission could forge a consensus to support the working group established by Commission resolution 1998/72 to monitor and review the implementation of the right to development. He urged the Commission to help remove obstacles in the path of such implementation; to promote national development planning, based on human rights norms; to encourage national human rights action plans to integrate all human rights; to call on national institutions to incorporate the right to development into their mandates; and to promote human rights education.

56. His Government was concerned at the fact that the Declaration on human rights defenders was not being fully implemented. His delegation would therefore be working with others to establish a new mechanism to promote the implementation of the Declaration.

57. Africa continued to witness intra- and inter-State conflicts, with terrible consequences for civilian populations. His Government was assisting in finding solutions to such conflicts and noted with alarm the continued large-scale movements of internally displaced persons and refugees. Such conflicts were a distraction from the urgent challenge of development, which would enable people throughout the African continent to enjoy a better life. Constructive international cooperation to rid the world of human rights violations was, however, within the reach of the international community and the Commission was the best forum to achieve it.

58. In January 2000, his Government had presented its first periodic report under the Convention on the Rights of the Child, the first human rights instrument ratified by the new South Africa. His delegation welcomed the elaboration of the two new optional protocols to the Convention. In particular, it welcomed the agreement to raise the minimum age of child soldiers. He urged all Governments to ratify the new protocols and to implement their provisions.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2000/13 and 14 and Corr.1; E/CN.4/2000/NGO/4 and 66-68; A/54/326)

59. Mr. LEGWAILA (Botswana) said that the right to self-determination was the right of all peoples, including the Palestinians. While progress had been made towards realization of the Palestinian people's right, the peace process was a laborious and unpredictable one. Israel would never find peace and security at the expense of the freedom, security and peace of the Palestinians. Those in Israel who believed that there was no need to recognize the right of the Palestinian people to self-determination were jeopardizing the prospects for survival of their own nation. However, if there was to be peace in the Middle East, and for peace between Israel and Palestine to be sustainable, there must be a regional accommodation between Israel and the rest of the Arab world. Israel's occupation of the Golan and southern Lebanon therefore represented a serious obstacle to peace. He urged all the Middle Eastern States to seek negotiated solutions to their longstanding problems.

60. Mr. FERRER RODRIGUEZ (Cuba) said that the right to self-determination was one of the foundations of the post-war international legal order. However, no sooner had colonialism ended, but peoples, and developing countries in particular, were threatened by a new policy of force and domination and foreign models, presented as universal, were imposed on them. The United States of America continued to occupy the naval base at Guántanamo illegally and against the wishes of the Cuban people, thereby compromising the independence, territorial integrity and sovereignty of his country and violating the right of the Cuban people to self-determination. In that context, he wished to reaffirm his country's unequivocal support for the right of the Palestinian people to self-determination and an independent State, and hoped that the current peace process would lead to the rapid realization of that right.

61. He congratulated the Special Rapporteur on his latest report (E/CN.4/2000/14), which shed new light on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Cuba was taking the necessary steps to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and regretted the fact that that instrument had not yet entered into force. For 40 years, his country had been the victim of mercenary activity instigated and financed from the territory of the United States, and his delegation was thus anxious to take part in the process of formulating a clearer and more effective legal definition of mercenaries. It fully supported the mandate of the Special Rapporteur.

62. Mr. RAMLAWI (Observer for Palestine) said that the Israeli Minister of Justice had raised three important points: democracy, Israeli occupation and the Jewish State created by the United Nations in 1948. With regard to Israeli democracy, the practices followed by Israel violated the principles that underpinned democracy. The Minister had admitted that his Government continued to occupy the territory of other peoples and, in particular, that of the Palestinian people. There was no justification for foreign occupation, which constituted aggression and a crime. General Assembly resolution 181 (II) had partitioned the land of Palestine into two States: one Jewish and one Palestinian Arab. Since Israel accepted the legitimacy granted to its own State by that resolution, it must admit the equal validity of the

Palestinian State. The official borders of Israel were those delineated in the partition plan and the presence of Israelis outside those borders constituted an illegal and unacceptable occupation that had been achieved by military means. Only when Israel committed itself to resolution 181 (II) would the obstacles to a just and comprehensive peace in the Middle East be removed.

63. The right of the Palestinian people to self-determination was central to the issue of peace in the Middle East. The United Nations General Assembly and the Commission itself had adopted a number of relevant resolutions, all of which affirmed the right to self-determination of the Palestinian people. Nevertheless, the international community was powerless to implement its resolutions because of the policy of selectivity and double standards governing the implementation of international law in the Security Council and the policies of aggression and occupation pursued by Israel. The Palestinian people was forced to live in political and social conditions that made it impossible for it to enjoy its right to self-determination, free of any foreign occupation, a situation which constituted a flagrant violation of human rights.

64. Current negotiations in the peace process were avoiding the issue of the Israeli occupation of Palestinian territory. The Israelis had insisted that the term "redeployment" be used rather than the term "withdrawal". Military redeployment was taking place inside Palestinian territory, maintaining and consecrating the Israeli occupation, while existing settlements were expanded and new ones established on Palestinian land that had been permanently confiscated by the occupation authorities. In place of the right to self-determination, the concept of self-government had been introduced, and the current negotiations, in the form insisted upon by Israel, were not conducive to a just and comprehensive peace in the region.

65. Mrs. ABOULNAGA (Egypt) said that the right to self-determination was not only one of the most important human rights, but also one of the foundations of the international order. In its absence, no other human rights could be enjoyed. Any violation of that right was therefore of the utmost seriousness. The Palestinian people had been struggling for the right to self-determination for more than half a century, while the policies pursued by the Israelis in the occupied Palestinian territories were a cause for the gravest concern. The international community had demonstrated its belief in the right of the Palestinian people to self-determination and its belief that the provisions of the law should be applied to all without distinction or exception.

66. Egypt, in common with many other countries, looked forward to the day when the Israeli occupation, which violated all international laws, would cease. Her Government was doing everything in its power to advance the peace process, believing firmly in international legitimacy, respect for the rights of peoples and their sovereignty over their lands, and the inadmissibility of the occupation of territory by force. As the Minister of Justice of Israel had stated, it was possible that the Middle East was being given its last chance of achieving peace. That chance must not be lost: if it were, it would certainly not be the Arabs who were responsible.

67. Mr. AL-THANI (Qatar) said that, despite changes in the world scene, self-determination would remain one of the basic human rights that must be respected. His delegation was deeply concerned at the violations occurring in the Arab occupied territories, compounding the original violation that the occupation itself had constituted. The Israeli authorities continued to confiscate land and build new settlements, even in Jerusalem. He urged Israel to abide by its commitment to land for peace, thereby giving fresh impetus to the peace process. Agreements already reached must be put into effect. There could be no lasting peace in the region until the Palestinians were accorded their rights, including their right to an independent sovereign State in a liberated Palestine.

68. Mr. OULD SIDI HAIBA (Observer for Mauritania) said that, while most of the world's peoples had achieved independence, the Palestinian people continued to be denied the right to self-determination. The recent resumption of peace talks between the Israelis and Palestinians was certainly welcome, as was the Israeli withdrawal from part of the occupied Palestinian territories. The Commission should continue to prioritize the issue and exert its moral authority in the cause of achieving a just, comprehensive and sustainable peace in the Middle East. Such a peace would re-establish the national rights of the Palestinian people - including their right to an independent State - and bring stability to the entire region.

69. Mr. DEMBRI (Observer for Algeria) said that the Middle East peace process continued to be undermined by non-compliance and shilly-shallying on the part of the Israelis. Great hopes were being placed in the resumption of the talks, but the international community required that promises be translated into concrete action in the context of the legal framework defined by the relevant United Nations resolutions. All too often, security considerations were used as a pretext to prevent the Palestinian people from realizing their right to self-determination. Further delays would only encourage extremists and provoke violence and instability that could not but hamper the peace process. His delegation hoped that the deadlock might soon be broken and international commitments respected. The international community, for its part, must redouble its efforts to help bring about the long-awaited peace, which would entail the establishment of a Palestinian State with Al-Quds (Jerusalem) as its capital. Israel must be urged to return the occupied territories unconditionally and to withdraw from southern Lebanon.

70. In the Western Sahara, the relaunching of the settlement plan - which had been made possible thanks to the United Nations - had given rise to hope. Sadly, the dithering of one of the parties to the conflict continued to delay identification of the electoral body. Student and popular demonstrations in favour of self-determination in El Aaiun, which had been severely repressed, revealed that any deferral or undermining of the referendum process threatened the peace and security of the entire region.

71. Mr. MADI (Observer for Jordan) said that the Palestinian people had for many decades been systematically and severely denied their basic human rights. His Government fully supported the right of the Palestinians to establish an independent State on their own national soil and called upon the international community to recognize such a State once it was declared.

72. The peace talks continued to "limp forward" despite blows and setbacks which were mainly due to the attempts of extremist elements on both sides to impose their own agendas of violence and hatred on the region. The peace process remained as pertinent and strategic an

option as ever for the Middle East. For durable peace and stability to take root, however, all dimensions of the conflict must be comprehensively resolved. That depended above all on Israel's commitment to the implementation of the peace accords. Moreover, respect for deadlines and time frameworks was of the utmost importance. Unless the root causes of the conflict were addressed on the basis of equality, justice and respect for each other's rights, there could be no real peace.

73. The process would not be furthered by unilateral actions and settlement policies aimed at changing the status quo in the occupied territories, particularly the Holy City of Jerusalem. Nor would it be advanced by a continued denial of the fundamental right of the Palestinian people to self-determination. What would further the process would be that which had always been advocated by his Government, namely, an unwavering political will to mutual respect, trust and cooperation, as well as the courage to change and to compromise for the sake of a durable peace.

74. His delegation shared the hope expressed by the Minister of Justice of the State of Israel that Arabs and Israelis would not miss the new window of opportunity presenting itself.

75. Mr. NAZARIAN (Observer for Armenia) said that the enjoyment of individual rights was dependent on the realization of the right of peoples to self-determination. That right, which constituted a major principle of international law, underlay the makings of the map of the world. Attempts to curtail or deny the multiple implementation of that right by limiting it to "one-time enjoyment" should be considered a gross violation of human rights.

76. Some States also attempted to restrict its enjoyment to within their own national territory. A further misinterpretation was to set against the right to self-determination the principle of territorial integrity of States and give priority recognition to the latter. Such blatant attempts to question the very principles of international law resulted in the forced assimilation of small nations, internal displacement and deportation from their homelands.

77. Armenia defended the full realization of the right to self-determination and supported all legal claims and efforts in that respect in any part of the world. The United Nations should be commended for monitoring the unconditional and permanent enjoyment of that right.

78. Mr. MUSAYEV (Observer for Azerbaijan), having stressed his Government's unswerving commitment to the right of peoples to self-determination, the right to determine freely their political status and to pursue their economic, social and cultural development, said that the people of Azerbaijan had legally restored their country's independence by giving effect to that right. The right to self-determination was not, however, intended to encourage secessionist movements or foreign interference and aggression. Rather, its exercise should contribute to safeguarding the political independence and territorial integrity of States and promoting international cooperation. The principle should not be used either to justify territorial expansionism under the pretext of defending "relative" ethnic groups in other States, particularly in multi-ethnic States. Foreign military intervention, aggression and occupation simply deprived the majority of the population of their fundamental rights.

79. Despite the relevant United Nations resolutions concerning the armed conflict between Armenia and Azerbaijan, Armenia persisted in proclaiming the cause of the conflict as "a

striving for self-determination of the Armenian community in the Nagorno-Karabakh region of Azerbaijan". Prior to the conflict, however, the region had enjoyed the widest political, economic and cultural autonomy as part of Azerbaijan. It was therefore a clear case of the use of force against the territorial integrity and political independence of a Member State, namely a gross violation of article 2, paragraph 4 of the Charter of the United Nations.

80. The distinction between the right to self-determination and the rights protected under article 27 of the International Covenant on Political and Civil Rights was explained in Human Rights Committee's general comment 23 (para. 3.1). In respect of every case of proclamation of the exercise of the right to self-determination and with a view to averting bloody conflicts, the international community must carefully distinguish between self-determination on the one hand and aggression on the other. The situation in Azerbaijan might serve as a case in point.

81. Mrs. HAJJAJI (Libyan Arab Jamahiriya) said that her delegation was concerned that selective "humanitarian interventions" - conducted purportedly to end conflicts or to protect the rights of minorities - were being used as a cloak of legitimacy for what amounted to human rights violations. In carrying out such interventions, the major Powers were merely pursuing their own interests, taking advantage of the weakness of poor countries marginalized by globalization in order to "Balkanize" the world still further. Such interventions were clearly in flagrant breach of international law.

82. At its most recent session, the General Assembly had heard calls for a recognition of the right to "humanitarian intervention" in the event of gross human rights violations by States, but that would amount to a violation of the principle of the sovereign independence of all Member States. Not only was "humanitarian intervention" based on an arbitrary interpretation of international law, it was also used as an excuse for expansionism. Moreover, it risked seriously undermining future relations between States, as well as peoples' right to self-determination. Her delegation thus rejected all forms of intervention. Individual Member States were protected by international law; they must not be forced to depend on the will of certain States using their own interpretation of that law to legitimize their actions and ulterior motives.

83. Mr. AHMAD (World Muslim Congress) said that most contemporary conflicts persisted as a result of a denial of the right to self-determination. The conflict in Chechnya was but the latest to be of great concern to human rights defenders. The situation offered a truly disturbing picture indicative of a regression in history and requiring urgent consideration. The Chechens had suffered persecution and humiliation ever since their colonization in the mid-nineteenth century as part of a campaign of cruel military expansion. Ever since, Chechens had been denied the option of freely determining their relationship with Russia. Instead, they had been forced into submission and made subject to alien domination. Chechnya currently symbolized intense human suffering, large-scale death and destruction, negation of human dignity, overt persecution and a devastated civilian population.

84. The Palestinian people had the same right to nationhood and independence as any other sovereign nation. In their bid to vacate alien occupation, they deserved the support and understanding of the international community.

85. In Jammu and Kashmir, reliably documented human rights violations provided irrefutable evidence of State terrorism on the part of India. India's plan was to bring the Kashmiris to their knees. The people of Kashmir failed to understand why their plight had failed to arouse a strong international response. Human rights were not supposed to depend on geopolitical considerations.

86. Ms. HERRERA (Indian Movement "Tupaj Amaru") said that, on the opening day of the Commission's fifty-fifth session, the North Atlantic Treaty Organization (NATO) had opened its campaign against the people of Yugoslavia, with the fervent backing of the United States of America and the United Kingdom of Great Britain and Northern Ireland. The genocide unleashed had consisted of 34,788 combat missions over 80 days. On the first night alone, 371 aeroplanes had participated in bombing Serb territory. United States hegemony had been decisive in the operation: 70 per cent of the aircraft used had been American and, whereas a British submarine had launched five cruise missiles from the Adriatic, United States warships had launched hundreds of missiles.

87. Cluster bombs had been used, aimed at destroying people and property indiscriminately, as well as missiles using impoverished uranium, in violation of the rules of international law, since it carried a serious threat to life and to the environment. Contained inside cluster bombs, missiles with such uranium were as lethal as anti-personnel mines. The United States and other members of NATO, which were directly responsible for the estimated US$ 100 billion damage, should compensate the victims, in accordance with the provisions of international law. The war had also caused a massive exodus of refugees.

88. The military aggression against Yugoslavia, a multinational and multi-ethnic State constituted a flagrant violation of articles 1, 2, 24 and 55 of the Charter of the Geneva Conventions and of the right to self-determination. It had also set an extremely dangerous precedent for intervening in areas where conflicts involving minorities or ethnic cleansing arose, such as the defence of the Chechen people in Russia. It was ironic that the same economic and military Powers supported terrorist "liberation" groups in imposing independence on the Albanians of Kosovo, while denying indigenous peoples, Kurds and Basques the right to self-determination.

89. NATO had had neither the mandate nor the consent of the Security Council, the only organ charged with safeguarding world peace. The war against Yugoslavia had constituted genocide and, as such, was a crime against humanity.

The meeting rose at 1.05 p.m.